

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**


DARRYL WYNN	:	CIVIL ACTION
	:	
v.	:	
	:	NO. 15-166
LUKOIL NORTH AMERICA, LLC, et	:	
al	:	

ORDER

AND NOW, this 28th day of August 2015, upon consideration of Defendants' Amended Motion for Summary Judgment (ECF Doc. No. 54), Plaintiff's Opposition (ECF Doc. No. 56), Defendants' Reply (ECF Doc. No. 60), Plaintiff's Sur-Reply (ECF Doc. No. 62), following Oral Argument, and for the reasons in the accompanying Memorandum, it is **ORDERED** Defendants' Motion for Summary Judgment (ECF Doc. No. 54) is **GRANTED in part and DENIED in part**:

1. The Motion is **GRANTED** as to the Amended Complaint and Summary Judgment is entered against Plaintiff on his Amended Complaint and in favor of Defendants. Defendants David Schmidt, Lev Gendin and Jake Naggy are **dismissed**;
2. The Motion is **GRANTED** as to Count I (breach of contract) of the Counterclaim and Summary Judgment is entered in favor of Defendant Lukoil North America, LLC ("Lukoil") on liability on Count I (breach of contract);
3. The Motion is **DENIED** as to Count II (unjust enrichment) of the Counterclaim. Count II is **dismissed**;
4. Defendant Lukoil's damages recoverable under Count I of its Counterclaim will be determined in an upcoming proceeding. Defendant's counsel shall forthwith consult with

Plaintiff as to the nature and date of a one (1) day proceeding to resolve the damages. Defendant's counsel shall file a memorandum not exceeding three (3) pages no later than **September 4, 2015** advising the Court as to the parties' preference to the nature of the proceeding to resolve damages and suggest mutually convenient dates over the next sixty (60) days. The Court will hold a Telephone Conference on **September 8, 2015 at 8:45 A.M.** to address the Defendant's September 4, 2015 memorandum. Defendant's counsel shall initiate this call and timely call Chambers at 267-299-7680 when all parties are on the line.



KEARNEY, J.